

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 05-10286-PBS

**DOMINIC DIMODICA,
Plaintiff,**

v.

**ROBERT MURPHY, *et al.*,
Defendants.**

**SECOND MOTION TO EXTEND TIME OF DEFENDANTS ROBERT MURPHY,
KATHLEEN DENNEHY AND THE MASSACHUSETTS DEPARTMENT OF
CORRECTION TO RESPOND TO THE PLAINTIFF'S COMPLAINT**

Without waiving their objections to the manner of service of the complaint, the Massachusetts Department of Correction ("DOC), Kathleen Dennehy and Robert Murphy (collectively, the "DOC Defendants"), hereby request that the Court further extend the time for them to respond to the plaintiff's complaint until and including August 5, 2005.

As grounds for this motion, the DOC Defendants state that, on May 25, 2005, they sought an extension of time to respond to the complaint until either counsel was appointed for the plaintiff and a status conference could be held or, in the alternative, until June 30, 2005. The Court extended the time until June 30, 2005. See Docket Entry dated May 26, 2005. No counsel has yet entered an appearance for the plaintiff. Currently, this case has been scheduled for a status conference on July 15, 2005. Allowing this additional time, therefore, will not materially delay resolution of this case.

The DOC Defendants now seek additional time to respond to the complaint. The first request was made on May 25, 2005. On the morning of May 26, 2005, there was a death in counsel's family, resulting in her absence from work until June 6, 2005. Counsel is currently

addressing the work that was delayed by her absence. Further, as Supervising Counsel for the Massachusetts Treatment Center, counsel had to handle additional work during the two week vacation of one of the four Treatment Center attorneys and is now handling additional work in anticipation of an upcoming extended leave of that same attorney expected to begin on July 25, 2005, and to last at least five weeks. Counsel is currently scheduled to represent the Commonwealth in three upcoming trials of G.L. c. 123A, § 9 petitions (July 18, 2005 (lead counsel); August 15, 2005 (second chair); and August 29, 2005 (lead counsel)).

WHEREFORE, the DOC Defendants respectfully that this Court allow this motion.

Respectfully submitted,
Massachusetts Department of Correction,
Kathleen Dennehy and Robert Murphy,

By their attorneys,

NANCY ANKERS WHITE
Special Assistant Attorney General
/s/ Mary P. Murray

By: Mary P. Murray, Counsel (BBO # 555215)
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Dated: June 28, 2005

Certificate of Service

I hereby certify that I caused a copy of the within document to be served on the *pro se* plaintiff, Dominic Dimodica, by intra-facility mail.

/s/ Mary P. Murray
Mary P. Murray

Dated: June 28, 2005